

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CWJC No.12470 of 1992  
AJOY KUMAR SHARMA & ORS  
Versus  
STATE & ORS  
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Advocates for the petitioner :- Mr. D. Bandhu Singh.  
Mr. Santosh Kumar.

3      29.7.2008      The 18 petitioners before this court were appointed as Assistant Teacher in different primary schools under the then Human Resources Development Department. The petitioners were appointed between the year 1988 to 1989 on compassionate grounds and after the appointment they were sent for training. During the period of training the petitioners were awarded Rs. 50/- as stipend for the said training period.

Learned counsel for the petitioners submits that the petitioners are entitled to be paid their full salaries for the period under which they were under going the said training and the fact that they were appointed on compassionate grounds cannot be ground for depriving them of their salary during the training period as Assistant Teacher.

Learned counsel appearing for the State submits that a Rule has been framed under

Article 309 and Rule Da states that the entire pay for the period of training would not be given to the Assistant Teachers. Under this Rule the State Government issued a letter no. 667 dated 24.9.1991 wherein it is stated that the training period would be for one year and the Teachers would be entitled to receive only Rs. 50/- as stipend during the training period.

This letter was followed by letter no. 407 dated 27.3.1992 which was again amended by letter no. 362 dated 24.7.1992.

The relevant letter on the issue therefore is letter no. 362 dated 24.7.1992 by which it has been stated that the teachers who complete their training by 31.12.1992, would be entitled to their full salary whereas those teachers who still had to complete part of their training, would not be granted the full salary after 31.12.1992.

In my opinion, the State is a welfare state and is bound to act in a fair manner and cannot simply dole out a paltry sum of Rs. 50/- as stipend to the teachers who are working in the Government Schools. Even during the training period there is a relationship of

employer and employee between the teachers undergoing training and the State Government, and as such, the order by which it has been stated that Rs. 50/- should be paid to the teachers as stipend is unjustified.

Any such order or Rule cannot be upheld by this court and, accordingly, the impugned order dated 24.9.1991 and 26.10.1991 are quashed and it is directed that the petitioners should be paid their salary for the training period.

This application is accordingly allowed.

**Sanjay**

**(Sheema Ali Khan,J.)**

